

R E M A R K S

This application has been amended in a manner that is believed to place it in condition for allowance at the time of the next Official Action.

Claims 1-14 have been deleted and new claims 15-24 have been added. New claims 15 and 19 relate to a method of phytosanitary treatment. New claim 15 is based on the recitations of original claims 1, 4, and 5.

Claims 20-24 are directed to a composition comprising at least one water-soluble phytosanitary reactive principle. New claim 20 is based on the recitations of original claims 8, 12, and 13.

In the outstanding Official Action, claims 1, 3, 7, 8, and 10 were rejected under 35 USC §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This rejection is respectfully traversed.

Claims 1-14 have been canceled and new claims 15-24 have been added. It is believed to be apparent that new claims 15-24 have been drafted in a manner so that a narrow range or recitation does not fall within a broad range or recitation within the same claim. Thus, it is believed that claims 1, 3, 7, 8, and 10 are definite to one of ordinary skill in the art.

In the outstanding Official Action, claims 1-14 were rejected under 35 USC §103(a) as allegedly being unpatentable

over the combined teachings of REUTER et al. and NIELSEN et al. This rejection is respectfully traversed.

The present invention relates to a method of phytosanitary treatment by foliar absorption of a combination of a water-soluble active principle with an ethoxylated oil or with an ethoxylated alkyl ester of oil. The claimed method allows for a high absorption of hydrophilic active principle by a plant in a very short time. The claimed composition comprises a water-soluble phytosanitary active principle in a modified vegetable oil. The modified vegetable oil is characterized in that it may be selected from the group consisting of ethoxylated oils having an ethylene oxide number greater than or equal to 30 and less than or equal to 40, with an ethoxylated methyl, ethyl, linear or branched propyl, or linear or branched butyl esters with oils having an EO index of greater than or equal to 8 and less than or equal to 15.

Applicants respectfully submit that the cited publications in the outstanding Official Action fail to disclose or suggest the claimed invention. While it is true that REUTER et al. and NIELSEN et al. are directed to agrochemical compositions, applicants believe that neither NIELSEN et al. nor REUTER et al. relate to a method of phytosanitary treatment by foliar absorption which allows for a high absorption of a hydrophilic active principle by the plant in a short time. NIELSEN et al. is directed to incorporating high concentrations

of electrolytes in herbicides. REUTER et al. relate to a granulated agrochemical material. Thus, neither publication is concerned with generating an improved foliar penetration of an active ingredient.

Moreover, applicants believe that the proposed combination does not teach or suggest a method of phytosanitary treatment utilizing the claimed composition. Both the references fail to teach a water-soluble active principle with an ethoxylated oil or with an ethoxylated alkyl ester as set forth in the claimed invention. REUTER et al. and NIELSEN et al. also fail to disclose or suggest selecting a modified oil on the basis of the claimed EO index ranges. As a result, it is respectfully submitted that the proposed combination of REUTER et al. and NIELSEN et al. fail to disclose each and every recitation of the claimed invention. Thus, it is respectfully submitted that the proposed combination fails to render obvious the claimed invention.

In view of the present amendment and the foregoing remarks, therefore, it is believed that the present application is now in condition for allowance, with claims 15-24, as

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presented. Allowance and passage to issue on that basis are accordingly respectfully requested.

Respectfully submitted,

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